

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6054

BILL NUMBER: SB 124

DATE PREPARED: Nov 29, 2000

BILL AMENDED:

SUBJECT: Incarcerated Children.

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FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill provides that the Department of Correction (DOC) shall restrict a child who has been committed to an adult correctional facility or program to an area of the facility or program where the child at all times has complete sight and sound separation from adults who are charged with, imprisoned for, or incarcerated for offenses. This restriction applies regardless of whether the child is a criminal offender or a delinquent offender. It prohibits the confinement of a child in a county jail unless the child is restricted to an area of the jail where the child at all times has complete sight and sound separation from any adult who is charged with or incarcerated for an offense. It requires the Department of Correction to enroll in an appropriate educational program each: (1) criminal offender who is less than 18 years of age; and (2) delinquent offender who is committed to or a ward of the Department of Correction. It makes an exception to the education requirement if the criminal offender received a sentence of death or life imprisonment without parole.

Effective Date: July 1, 2001.

Explanation of State Expenditures: The requirement for complete segregation of youthful offenders from adult felons may require DOC to either build a new facility or reallocate current space. Juveniles incarcerated in DOC facilities are usually convicted of serious crimes (e.g., murder, rape, multiple theft convictions). As of November 1, 2000, 65 juveniles resided in adult facilities. (The average daily population is about 90 offenders.)

The following table shows the number of male offenders who are currently in DOC adult facilities and under 18 years of age as of November 1, 2000. (Note: Concerning security levels, Level 1 is minimum security, while Level 4 is the highest security. Safekeepers are offenders whom the sentencing court has determined to be in imminent danger of serious bodily injury or death, or who represent a substantial threat to the safety of others, and whom the court has ordered to DOC for custody and security control. Unclassified offenders are those in county jails not yet evaluated and assigned to a facility and security level.)

<u>Age Group</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>	<u>Level 4</u>	<u>Unclassified</u>	<u>Safekeeper</u>	<u>Total</u>
15	0	0	0	0	0	0	0
16	0	4	1	0	1	1	7
17	<u>5</u>	<u>31</u>	<u>9</u>	<u>7</u>	<u>3</u>	<u>2</u>	<u>57</u>
Total	<u>5</u>	<u>35</u>	<u>10</u>	<u>7</u>	<u>4</u>	<u>3</u>	<u>64</u>

DOC also reports that one female offender, age 16, who is assigned to a Level 2 facility.

As of November 6, 2000, DOC had a total capacity of 17,989 beds compared with a population of 21,343. This included DOC offenders currently serving time in county jails and in contracted facilities.

DOC incarceration expenses averaged \$20,700 in FY 1999. Expenses are based on total prison operating costs and the number of DOC offenders, but do not include costs for construction.

New Facility Construction: Construction planning based on this bill's requirements estimates a need for a 160-bed facility. This estimate includes a forecasted increase of enrollment of about 10 juveniles per year over a seven-year period added to the average daily population of 90. The current average sentence for juveniles in adult DOC facilities is 9.5 years. It is estimated that a new, multiple-security facility (i.e., with separate security areas for murderers and thieves) could be built at a cost of \$19.6 M (\$120,000 per bed). DOC estimates that such a facility could be constructed by 2004.

Annual operating costs are estimated at about \$8 M for administrative personnel, security personnel and program staff. About \$0.86 M of this cost would be for the educational component (this cost includes salaries for a director of education, secretary, ten classroom teachers and four vocational instructors).

Recently Implemented Program: The Department of Correction began a "Youth Incarcerated as Adult" program effective October 13, 2000. Under this program, all male offenders under the age of 18 have been moved into three primary facilities and two secondary facilities based on security levels. The Level 1 facility is located at the Medaryville Correctional Facility. The Level 2 facility is located at the Plainfield Correctional Facility in Hendricks County. The Levels 3 and 4 facilities are located at the Wabash Valley Correctional Facility. DOC already operates a facility for female offenders under the age of 18 at the Indiana Women's Prison. Under this program, youthful offenders spend a significant amount of time away from other adult offenders but still eat and participate in recreational activities at the same time as other adult offenders.

The core elements of this program include individual assessment and case planning, facility assignment based on classification, orientation, programming based on needs of the offender, emphasis on education including special education where needed, life and social skills programming, special training for staff, and ongoing evaluation of the program.

Even with this new program, the requirement for complete sight and sound segregation is considered difficult to achieve because of the following circumstances: (1) the need to assign juveniles with varying security risks to separate facilities; (2) the physical layout of facilities and the movement of offenders for meals and programming; and (3) the potential need for duplication of programing, recreation, and food services for

units.

The funds and resources required above could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified (As of November 2000, DOC had 294 vacant positions.); (4) Funds that, otherwise, would be reverted (the following amounts have been reverted: \$3.27 M in FY 2000, \$597,240 in FY 1999, and \$12.58 M in FY 1998); or (5) New appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected:

Information Sources: The Planning Division, Department of Correction; Offender Population Statistical Report, September 2000.